

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1, 2, 4 and 6-18 are currently pending. Claims 1, 2, 4, 9, 13, and 16-18 are hereby amended in this paper. Support for this amendment is provided throughout the Specification, specifically at pages 31-33 and Figure 5.

No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 1, 2, 4, and 6-18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 7,003,792 to Yuen (hereinafter, merely “Yuen”) in view of Official Notice.

### **III. RESPONSE TO REJECTIONS**

Independent claim 1 recites, *inter alia*:

**“...wherein the value of the first weight is cumulative and is updated by adding the second weight to the first weight each time the second weight is generated, and**

**wherein the value of the second weight is determined according to the user's input operation.”** (Emphasis added)

As understood by the Applicants, Yuen relates to a smart agent (SA) which resides locally in a local client device and by iterative means integrates the habit, statistics and psycho-demographic information of a user to infer the user's preferences. The SA utilizes the preferences to filter information delivered to the local device. Yuen further discloses a means of collecting, combining, integrating and inferring information from the user to arrive at a psycho-demographic profile of the user, and a means of utilizing such psycho-demographic profile to select or filter information delivered to the user, thereby achieving targeting.

Applicants submit that Yuen, however, does not teach or suggest the above identified feature of claim 1. Specifically, Yuen does not disclose or suggest wherein the value of the first weight is cumulative and is updated by adding the second weight to the first weight each time the second weight is generated and wherein the value of the second weight is determined according to the user's input operation, as recited in claim 1 (emphasis added).

For at least the foregoing reasons Applicants submit that claim 1 is patentable over Yuen.

Since independent claims 16-18 are similar, or somewhat similar, in scope to claim 1, they are allowable.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons.

Furthermore, Applicants respectfully submit that it is improper for Official Notice to be used to reject a claim recitation. Indeed, the Office Action has failed to make a prima facie rejection of claims 1, 2, 4, and 6-18 because the reliance on Official Notice is improper.

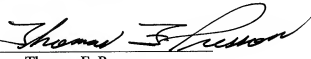
**CONCLUSION**

In view of the foregoing amendments and remarks, all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

BY   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800